

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LABORATORY SKIN CARE INC.	:	
and ZAHRA MANSOURI,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 06-601-JJF
	:	
LIMITED BRANDS INC. and	:	
BATH AND BODY WORKS LLC,	:	
	:	
Defendants.	:	

MEMORANDUM ORDER

Plaintiffs, Laboratory Skin Care Inc. and Zahra Mansouri, have filed a Motion for Judgment on the Pleadings Dismissing Defendants' Affirmative Defense of Unenforceability (D.I. 211) contending that Defendants' pleadings regarding inequitable conduct are insufficient to state a claim. In response, Defendants, Limited Brands Inc. and Bath and Body Works LLC, argue the Motion should be denied, because the motion is a case dispositive motion and was filed after the deadline for such motions, making it untimely.

In this case, the Scheduling Order required all dispositive motions to be filed by September 10, 2008. Plaintiff filed the instant motion on September 3, 2009, almost a year after this deadline, and therefore, the Court concludes that Plaintiffs' Motion is untimely. Accordingly, without considering the merits of the Motion, the Court concludes that it should be denied.

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiffs' Motion for Judgment on the Pleadings Dismissing Defendants' Affirmative Defense of Unenforceability (D.I. 211) is **DENIED**.

October 15, 2009
DATE


UNITED STATES DISTRICT JUDGE